

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAY CANTRELL,
 #1007344

Plaintiff,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Defendants.

2:10-cv-02219-JCM-GWF

ORDER

Presently before the court is defendants Aranus, Dwight Nevens, and Cynthia Soblinca's motion to dismiss the case for failure to exhaust administrative requirements. (Doc. #15). This court granted the plaintiff an extension of time in which to file a response (doc. #21); however, to date, the response deadline has again passed, and no response has been filed.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali*

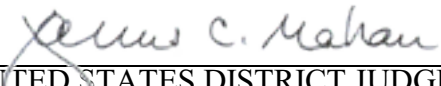
1 v. *Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir.
2 1986)).

3 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*, the
4 court finds dismissal appropriate.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to dismiss
7 (doc. #15) be, and the same hereby is, GRANTED. The case is hereby dismissed without prejudice as
8 to defendants Aranus, Nevens, and Soblinca.

9 DATED this 21st day of July, 2011.

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12 UNITED STATES DISTRICT JUDGE
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